

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF MOCKINGBIRD VALLEY)	
SANITATION FOR A RATE ADJUSTMENT)	CASE NO.
PURSUANT TO THE ALTERNATIVE RATE FILING)	89-302
PROCEDURE FOR SMALL UTILITIES)	

O R D E R

This matter arising upon petition of Mockingbird Valley Sanitation Inc. ("Mockingbird Valley") filed November 21, 1989 for confidential protection of all materials filed with the Commission, including income tax returns, and it appearing to the Commission as follows:

Mockingbird Valley has applied for a rate increase pursuant to the alternative rate filing procedure set forth in 807 KAR 5:076. In accordance with that regulation, Mockingbird Valley has filed various documents, including its 1988 income tax return, and has petitioned the Commission to treat the material as confidential so that it will not be available for public inspection.

The Kentucky Open Records Act, codified in KRS 61.870 through KRS 61.884, declares that all public records shall be open for public inspection unless specifically exempted. The exemptions from the act are set forth in KRS 61.878(1). That section of the statute exempts the following:

1. Information of a personal nature the disclosure of which would constitute an invasion of personal privacy.
2. Confidential business information.

3. Information relating to confidential and prospective business locations.

4. Information relating to real estate that is to be acquired by a public agency.

5. Tests questions and related materials.

6. Certain investigative information.

7. Preliminary correspondence with private individuals.

8. Preliminary advice and recommendations by agency staff.

9. Information protected from disclosure by federal law.

10. Information protected from disclosure by Kentucky law.

In order to protect information from public disclosure, the party furnishing the information must establish that the information sought to be protected falls in one of the ten categories listed above. The petition filed by Mockingbird Valley does not establish that the information filed with the Commission falls into any of these categories; therefore, on the basis of the petition, the information should not be granted confidential protection.

This Commission being otherwise sufficiently advised,

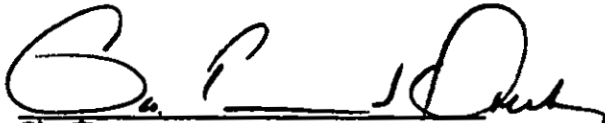
IT IS ORDERED that:

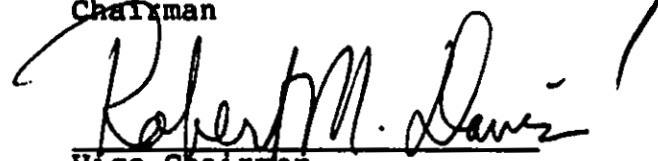
1. The petition by Mockingbird Valley for confidential protection of the information filed as a part of its application for a rate adjustment shall be held in abeyance to allow Mockingbird Valley to supplement its petition with a statement specifying the information which it seeks to have protected and setting forth the grounds upon which it relies.

2. If such statement is not filed within 10 days of the date of this Order, the petition for confidentiality shall, without further Orders herein, be denied and the information sought to be protected shall be placed in the public record.

Done at Frankfort, Kentucky, this 8th day of December, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:

Executive Director